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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/790,037

03/02/2004

Brett Bracewell Bonner

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08/25/2004

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP

1300 I STREET, NW

WASHINGTON, DC 20005

EXAMINER

DESIRE, GREGORY M

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/790,037	Applicant(s) BONNER ET AL.	
	Examiner Gregory M. Desire	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 3/2/04.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The examiner acknowledges the cancellation of claims 1-36. Thus claims 37 and 38 will be prosecuted.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuchs (6,188,478) in view of Raguin (6,620,576)

Regarding claim 37 Fuchs discloses,

A primary lens (which reads on fig. 1a block 70) assembly for converging a beam of light emitted from a surface towards a secondary lens assembly (note col. 4 lines 36-39, lens converges a beam of light from surface 10 towards secondary lens 64);

A secondary lens assembly (which reads on fig. 1a block 60) for converging said beam of light from said primary lens assembly towards an image detector (note col. 3 lines 54-58, lens converges beam of light from primary lens 64 toward image detector 67);

A phase mask (which reads on fig. 1a block 62) positioned between said secondary lens assembly and said image detector for altering said beam of light such

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that said imaging system is insensitive to small distances between objects positioned on said surface and said image detector (note col. 3 line 58- col. 4 line 23, phase mask is positioned between lens 60 and image detector 80, function changes lights positioned on the surface and image detector)

A beam splitter (which reads on fig. 1a block 65) disposed between said phase mask and said image detector for splitting said beam of light to a plurality of image detectors (note col. 3 lines 52-58, beam splitter is disposed between phase mask 62 and image detectors 67 and 80);

A first image detector (which reads on fig. 1a block 80) for generating an output signal of a first portion of said surface (examiner refers to MPEP 2114 note col. 4 lines 61-67, photo detector generate an electrical signal from portion of beams diffracted from surface); and

A second image detector (which reads on fig. 1a block 67) for generating an output of a second portion of said conveyor belt (examiner refers to MPEP 2114, note col. 3 lines 54-56 and 63-67), image detector generates an electrical pulse that irradiates pattern from phase mask which came from surface 10), said second image detector disposed at a 90 degree angle from said first image detector (note fig. 1a 67 and 80, the cameras are position at different location, the examiner views the degree to be 90 degrees).

Fuchs teaches a film substrate on a sample mount that moves. However, Fuchs is silent disclosing the use of a conveyor belt. Raguin discloses improving laser pattern generation of element with a thickness wherein pattern is placed on a conveyor belt

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(note fig. 6e in connection with col. 8 lines 16-17). Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use a conveyor belts in place of sample mount of Fuchs. Inspecting substrate images at different axis would have been desirable feature in the photo resistive art due to its translating functions (note col. 8 I and Raguin recognizes that inspecting at different axis would be expected when the conveyor belt is substituted for the sample mount in Fuchs.

Regarding claim 38 Fuchs and Raguin discloses,

Wherein the phase mask is encoded with a separable point spread function (note col. 6 lines 14-19, phase mask is modulated forming two pulses, thus a separable point spread function).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (703) 308-9586. The examiner can normally be reached on M-F (8:30-6:00) Second Monday off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory M. Desire  
Examiner  
Art Unit 2625



G.D.  
August 19, 2004

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